

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

DAVID MIDKIFF, et al., )  
 )  
 Plaintiffs, )  
 )  
 v. ) No. 4:08CV1221RWS  
 )  
 3M Company, et al., )  
 )  
 Defendants. )

**ORDER**

As discussed at today's hearing,

**IT IS HEREBY ORDERED** that the parties' consent motion for entry of a protective order [#48] is **GRANTED**.

**IT IS FURTHER ORDERED** that the parties' protective order [#49] is approved by the Court subject to the following limitations. By its approval of the stipulated protective order, the Court in no way limits its authority and discretion to determine the following: (1) in each instance in which a party desires to file any material with the Court under seal; (2) the extent to which any confidentiality considerations shall in any way govern the use of any material in any proceedings before the Court; and (3) the disposition of sealed Court filings before or after termination of these proceedings. Any and all provisions of the stipulated

protective order which conflict with these limitations are disproved to the extent that they so conflict.

**IT IS FURTHER ORDERED** that Plaintiffs' motion to compel [#38] is **DENIED** without prejudice.

**IT IS FURTHER ORDERED** that Defendant Mine Safety Appliances shall move for summary judgment no later than March 12, 2010. Plaintiffs' response in opposition is due no later than March 31, 2010. Defendant's reply is due April 7, 2010.

Dated this 4th Day of March, 2010.

  
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RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE